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AFFIDAVIT

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

RECEIVED

MAR 19 2002

OFFICE OF PETITIONS

I, Peter M. Reyes, Jr., being first duly sworn, state as follows:

1. I am an attorney in good standing licensed to practice before the United States Patent and Trademark Office and licensed to practice in the State of Minnesota.

2. I am the lead attorney for the North American Grain & Oilseed Crush Business Unit of Cargill, Incorporated, a Delaware corporation. I make this Affidavit on behalf of Cargill, Incorporated pursuant to 37 CFR Section 1.47, and Chapter 400, Sections 409.03(a) and 409.3(d) of the Manual of Patent Examining Procedure, Original Seventh Edition, July 1998 and revised on February 2000 by the U.S. Department of Commerce.

3. A patent application has been executed in relation to Cargill's Product Identity Preservation and Tracing System.

4. Cargill, Incorporated has demonstrated a bona fide attempt to obtain a signature from Mark R. Nelson for the "Product Identity Preservation and Tracing" patent application. On or about August 2, 2001, I placed a call to Mr. Nelson and left him a message to please call me back. On or about August 3, 2001, a letter was sent to Mr. Nelson asking him to sign an attached Assignment and a Combined Declaration and Power of Attorney for his signature. On or about August 6, 2001, I placed another call to Mr. Nelson. On or about August 8, 2001, Mr. Nelson returned my call. Mr. Nelson indicated that he wanted to have an attorney review the documents before he signed. I said that that was fine and asked him to return the signed documents at his earliest convenience after review by an attorney. Mr. Nelson then asked me why he needed to sign the documents and assign the patent application to Cargill, Incorporated. I stated that he agreed to assign all inventions to Cargill, Incorporated when he signed a document upon beginning employment at Cargill, Incorporated. He stated that he did not recall signing any such document. I told him I would look into the matter. The following day, I called Mr. Nelson and talked to him once again. I explained to him that he had indeed signed a document agreeing to assign any inventions to Cargill, Incorporated, and I told him that I would send him a copy of that document as well (Mr. Nelson is no longer employed by

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Cargill, Incorporated). I left several follow-up messages to Mr. Nelson but did not receive a return call.

I placed a call to Mr. Nelson on or about Monday, October 15, 2001. Another letter was sent to Mr. Nelson on or about October 18, 2001, asking Mr. Nelson to sign the enclosed documents and return them promptly. Several calls were made in August, September and October 2001 to obtain Mr. Nelson's signature. Mr. Nelson has not return calls since August and has not returned the signed forms. I have made a diligent effort to reach Mr. Nelson to no avail.

5. The address of Mr. Mark R. Nelson, inventor of record for the "Product Identity Preservation and Tracing" patent application, is as follows:

Mark R. Nelson  
3830 Sheridan Avenue South  
Minneapolis, MN 55410  
Telephone No.: (612) 920-5880



Peter M. Reyes, Jr. (Registration #47,020)  
Attorney  
North American Grain & Oilseed Crush  
Cargill, Incorporated

Subscribed and sworn to before me  
this 27<sup>th</sup> day of December, 2001.



Notary Public

My commission expires: \_\_\_\_\_

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